

# Notice of Allowability

Application No.

10/614,614

Examiner

James J. Leybourne

Applicant(s)

ESSERS ET AL.

Art Unit

2881

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 29 September 2004.
2. ☒ The allowed claim(s) is/are 1-44 and 46-48.
3. ☒ The drawings filed on 7/7/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 10/18/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

1. According to the "Amendment" received September 24, 2004; the abstract and claims 23, 42, 43 and 44 have been amended; claim 45 has been canceled and claims 48 and 49 have been added.

*Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 47, line 3, "1 to 41, 44, 46, 48 and 49" was changed to --1 to 44, 46 and 48--.

In claim 48, line 3 before "above", --substantially-- was inserted.

In claim 48, line 1 "particular" was changed to --particle--.

In claim 48, line 3, before "above", --substantially-- was inserted.

Claim 49 was canceled.

3. Authorization for this examiner's amendment was given in a telephone interview with Elijah Cocks on 18 September 2004.

***Allowable Subject Matter***

4. Claims 1-44 and 46-48 are allowed.
5. The following is an examiner's statement of reasons for allowance:

With respect to independent claims 1 and 42-44 the prior art fails to disclose or make obvious an arrangement for holding a particle beam apparatus, comprising: a base structure comprising a plurality of hollow bodies, at least one of said hollow bodies having a first length extension in a first direction, a second length extension in a second direction and a third length extension in a third direction, said length extension in said first direction wherein a cross section of said at least one of said hollow bodies perpendicular to said first direction is substantially triangular.

Claims 2-22, 26-36 and 37-41 are allowed by virtue of their dependency on claim 1.

Claim 23 was rewritten in independent form including all of the limitations of the base claims and any intervening claims as required in the previous office action.

Claims 24, 25 and 37-41 are allowed by virtue of their dependency on claim 23.

With respect to independent claim 44 the prior art fails to disclose or make obvious an arrangement for holding a particle beam apparatus, comprising a base structure having four footings, wherein one of said footings is moveable with respect to said base structure, is force loaded. and comprises a brake by which it can be blocked with respect to the base structure.

Claim 46 is allowed by virtue of its dependency on claim 44.

With respect to independent claim 48, the prior art fails to disclose or make obvious a particle optical column including a particle source and particle optical components; and a base structure comprising a plurality of hollow bodies, wherein the particle optical column is suspended on the base structure with a suspension center above the center of gravity of the particle optical column.

Claim 47 is allowed by virtue of its dependency in the singular to one of allowed claims 1-44, 46 and 48.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance"

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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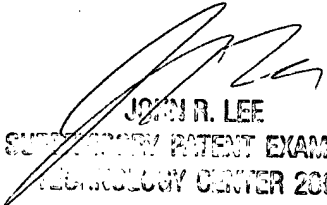
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 18, 2004

JJL



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